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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/514,407 | 06/09/2005 | Kazuhiko Tsukanome | KYFQ-1 US | 4104 |
| 24222 | 7590 | 09/22/2009 | EXAMINER | |
| Vern Maine & Associates 100 MAIN STREET P O BOX 3445 NASHUA, NH 03061-3445 | | | PASCUA, JES F | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3782 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 09/22/2009 | ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@vernmaine.com
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| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/514,407 | Applicant(s) TSUKANOME ET AL. | |
| | Examiner Jes F. Pascua | Art Unit 3782 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,4,13,14 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,4,13,14 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/10/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/10/2009 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3, 4, 13, 14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,524,460 to Twiehoff et al. and U.S. Patent No. 4,233,367 to Ticknor et al.

Twiehoff et al. discloses a multiple bag comprising a multiple film, wherein the multiple film is obtained by producing a tubular film by a blowing process forming the tubular film in a flat shape so as to form a two-ply film having an inner film and an outer film. See column 1, lines 61-68 and Fig. 7. The multiple film has end edges orthogonal to the tubular film and side edges orthogonal to the end edges. See Fig. 5. The

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multiple film is bent in a tubular shape such that side edges of said multiple film are overlapped and connected at a back lining seal portion by longitudinal weld seams. See Figs. 5-7. The inner film of one of the side edges is connected to the outer film other side edge near to both of the side edges thereof at the back lining seal portion by longitudinal weld seams. See Fig. 7. Twiehoff et al. further discloses that the longitudinal weld seams may be passed through all four layers of the overlapping side edges. See column 3, lines 62-65. The multiple bag of Twiehoff et al. includes lateral seal portions welding a portion of the multiple film near both sides of end edges in which the inner film and the outer film are not connected. See Fig. 5.

However, Twiehoff et al. does not disclose the tubular film forming the multiple film being a tubular co-extrusion inflation film having a polyolefin layer on both sides of an un-oriented polyamide core. Ticknor et al. teaches that it is known in the art to form packaging from a tubular co-extrusion inflation film having a polyolefin layer on both sides of a nylon (i.e. polyamide) core. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to form the multiple bag of Twiehoff et al. using the tubular co-extrusion inflation film having a polyolefin layer on both sides of a nylon core of Ticknor et al., in order to provide a package with strength characteristics, oxygen impermeability and the ability to provide moisture protection and heat sealing with a lower temperature.

It is noted that absent any disclosure in Ticknor et al. of stretching or orienting the nylon core of the tubular co-extrusion inflation film, the nylon core of Ticknor et al. meets the recitation "un-oriented polyamide core".

Response to Arguments

4. Applicant's arguments with respect to claims 3, 4, 13, 14 and 21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also **specifically point out the support for any amendments** made to the disclosure. See MPEP 714.02 and MPEP 2163.06. The "disclosure" includes the claims, the specification and the drawings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jes F. Pascua whose telephone number is 571-272-4546. The examiner can normally be reached on Mon.-Thurs..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jes F. Pascua/
Primary Examiner, Art Unit 3782